

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

**UNITED STATES OF AMERICA,**

**Plaintiff,**

V.

DEREK HOYTE and COLUMBIA  
CREST PARTNERS, LLC.

## Defendants.

CASE NO. C10-2044BHS

**ORDER GRANTING PARTIES' MOTIONS TO AMEND AND DENYING AS MOOT PLAINTIFF'S MOTION TO DISMISS DEFENDANTS' COUNTERCLAIM**

This matter comes before the Court on Plaintiff's (the "United States") motion to dismiss amended counter claim (Dkt. 41) and its unopposed motion to amend its complaint (Dkt. 49). Also before the Court is Defendants' unopposed motion to amend their answer, affirmative defenses, and counterclaims. Dkt. 44. The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the parties' unopposed motions to amend and denies as moot the United States' motion to dismiss counter claims for the reasons stated herein.

## I. DISCUSSION

2 On July 28, 2011, the United States moved to dismiss Defendants' counterclaim  
3 for lack of subject matter jurisdiction. Dkt. 41. On August 15, 2011, Defendants opposed  
4 the motion to dismiss. Dkt. 42. On August 18, 2011, the United States replied.

5 On August 15, Defendants moved to amend their answer, affirmative defenses,  
6 and counterclaims. On August 24, 2011, the United States moved to amend its complaint.  
7 Dkt. 49. These motions are unopposed. *See* Dkts. 52, 53.

8 The Court finds that good cause has been shown by both parties to warrant  
9 amending the complaint, answer, and any counterclaims or affirmative defenses that  
10 Defendants may have to assert against the United States. In granting the motions to  
11 amend, the United States' motion to dismiss Defendants' previously amended  
12 counterclaim is rendered moot.

## II. ORDER

Therefore, it is hereby **ORDERED** that:

1. The United States' unopposed motion to amend its complaint is **GRANTED**;
  2. Defendants' unopposed motion to amend its answer, counterclaims and affirmative defenses is **GRANTED**;
  3. The United States' motion to dismiss Defendants' counterclaim (Dkt. 41) is **DENIED as moot**;
  4. The United States **SHALL** file its Amended Complaint on or before September 21, 2011;
  5. The Defendants **SHALL** file their amended answer, affirmative defenses, and counterclaims on or before October 5, 2011; and

- 1           6. The parties **SHALL** meet and confer regarding the current case schedule  
2           (Dkt. 37) and inform the Court through a joint status report as to the need,  
3           if any, to adjust the current schedule.

4           Dated this 14<sup>th</sup> day of September, 2011.

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7           BENJAMIN H. SETTLE  
8           United States District Judge